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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)	No. C 05-2730 WHA
)	
14 Plaintiff,)	PROPOSED AMENDED ORDER
)	SETTING PROCEDURE FOR
15 v.)	REQUESTS TO MODIFY
)	INJUNCTION FOR BORROWERS TO
16 DALE SCOTT HEINEMAN and KURT F.)	SEEK RETURN OF PROPERTY
JOHNSON, d/b/a THE DOREAN GROUP,)	INTERESTS CONVEYED TO
17 THE OXFORD TRUST and UNIVERSAL)	DEFENDANTS HEINEMAN &
TRUST,)	JOHNSON
)	
18 Defendants.)	
19 _____)	

20 WHEREAS, on June 21, 2006, the Court issued an Order Setting Procedure for Requests to
 21 Modify Injunction for Borrowers to Seek Return of Property Interests Conveyed to Defendants
 22 Heineman and Johnson designating Magistrate Judge Maria-Elena James to hear and determine
 23 requests by borrowers to modify the preliminary injunction to allow them to cure defects in title
 24 to their properties caused by Defendants' debt elimination scheme;

25 WHEREAS, there has been some confusion among borrowers, proceeding *pro se*, regarding
 26 their obligation to file their requests with the Clerk of the Court, and to deliver chambers copies,
 27 in addition to serving the parties identified in the June 21, 2006 Order;

28 WHEREAS, the United States hereby proposes the following amendment to the June 21,

~~PROPOSED~~ ORDER
 No. C 05-2730 WHA

1 2006 Order in order to clarify the filing procedures (amendments are in **bold**).

2 Accordingly, IT IS HEREBY ORDERED that

3 (1) Pursuant to 28 U.S.C. § 636(b)(1), Magistrate Judge Maria-Elena James is hereby
4 designated to hear and determine requests by borrowers to modify, for the limited purpose set
5 forth above, the Preliminary Injunction to allow such borrowers the opportunity to cure defects
6 in title to their properties caused by defendants' debt elimination scheme.

7 (2) Borrowers seeking to so modify the Injunction, and any interested parties, shall
8 follow the following procedure:

9 (A) The borrower shall file a "Request to Modify the Preliminary Injunction for
10 [Property Address]" (the "Request"). This Request shall briefly state, in no more than 5 pages,
11 the reasons for the sought modification, and shall describe the proposed transaction with
12 sufficient particularity as to allow a determination on the Request. **The Request must**
13 **conspicuously state the name of the case and Case Number, as set forth in the caption**
14 **above. The Request must be filed with the Clerk of the Court either by delivering the**
15 **Request to the Clerk's Office, 450 Golden Gate Avenue, 16th Floor, San Francisco,**
16 **California; or by mailing it to United States District Court, Northern District of California,**
17 **Clerk's Office, 450 Golden Gate Avenue, Box 36060, San Francisco, CA 94102. In**
18 **addition, a separate copy of the Request, clearly marked "Chambers Copy," must be**
19 **provided to Magistrate Judge Maria-Elena James, care of the Clerk's Office.**

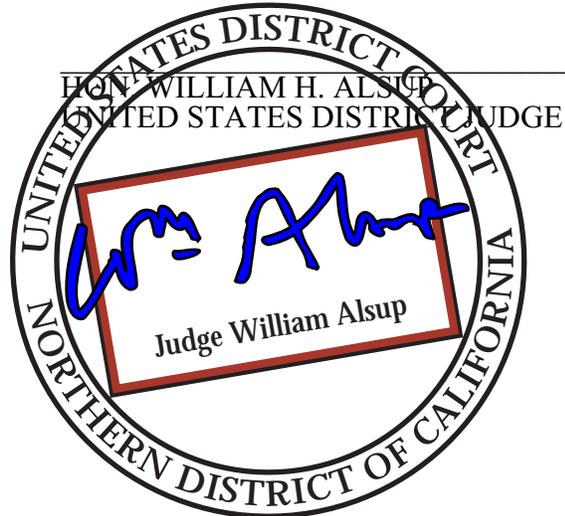
20 (B) A copy of this Request shall be served by mail to: (1) Dale S. Heineman, 12152-081,
21 FCI Dublin Correctional Facility, 5701 8th Street, Camp Parks, Dublin, California 94568; (2)
22 Kurt F. Johnson, 13177-081, FCI Dublin Correctional Facility, 5701 8th Street, Camp Parks,
23 Dublin, California 94568; (3) lenders with secured interests in the real property identified as the
24 Property Address (above); (4) counsel for the government in the related criminal case (No. CR
25 05-0611 WHA), Peter B. Axelrod and James E. Keller, United States Attorney's Office,
26 Northern District of California, 450 Golden Gate Avenue, 11th Floor, San Francisco, California
27 94102; and (5) counsel for the government in this civil action, Steven J. Saltiel, Civil Division,
28 United States Attorney's Office, 450 Golden Gate Avenue, Box 36055, San Francisco,

1 California 94102. **Proof of service upon these parties must be included with the Request.**

2 (C) The recipients identified in Paragraph 2(A) above will have 45 days from the time of
3 the mailing of the Request to file a Response opposing, unopposing, or taking no position as to
4 the Request. Responses to a Request must state the grounds for oppositions thereto, if any, and
5 may not exceed 5 pages in length. The magistrate may, in his or her discretion, base the
6 proposed determination solely on the written submissions of the interested parties, or on the
7 submissions and a hearing. The parties that object to a Request shall be afforded an opportunity
8 to attend any hearing held pursuant to this Order.

9 (D) The magistrate shall file his or her proposed findings and recommendations with the
10 Court, and a copy shall be mailed to all interested parties. The magistrate’s determination shall
11 be subject to de novo review as set forth in 28 U.S.C. § 636(b)(1). Accordingly, within ten days
12 of being served with a copy, any party may serve and file written objections to the proposed
13 findings and recommendations. This Court may then accept, reject, or modify, in whole or in
14 part, the findings and recommendations made by the magistrate.

15 DATED: 8/28/06



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